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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---------------------|-------------|----------------------|---------------------|------------------|
| 10/520,973 | 06/09/2005 | Klaus Ringger | 10191/3714 | 6449 |
| 26646 | 7590 | 11/14/2007 | EXAMINER | |
| KENYON & KENYON LLP | | | TO, TUAN C | |
| ONE BROADWAY | | | ART UNIT | |
| NEW YORK, NY 10004 | | | PAPER NUMBER | |
| | | | 3663 | |
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

| | | | |
|------------------------------|-------------------------------|--------------------------------|--|
| Office Action Summary | Application No. 10/520,973 | Applicant(s) RINGGER ET AL. | |
| | Examiner Tuan C. To | Art Unit 3663 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 July 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 11-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 11-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 January 2005 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

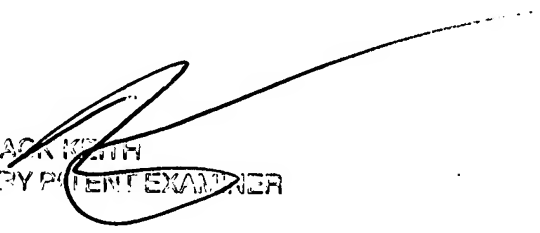
In view of the appeal filed on 12/15/2006, PROSECUTION IS HEREBY REOPENED. A new ground of rejection has been set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,

(2) initiate a new appeal by filing a notice of appeal under 37 CFR 41.31 followed by an appeal brief under 37 CFR 41.37. The previously paid notice of appeal fee and appeal brief fee can be applied to the new appeal. If, however, the appeal fees set forth in 37 CFR 41.20 have been increased since they were previously paid, then appellant must pay the difference between the increased fees and the amount previously paid.

A Supervisory Patent Examiner (SPE) has approved of reopening prosecution by signing below:


JACK KEITH
SUPERVISORY PATENT EXAMINER

Drawings

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the logic module includes at least one of gate and a flip-flop, and the AND gate connectible to triggering circuit control must be shown or the features canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

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The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 11-20 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

As to claim 11, the applicant describes in the specification, page 4, the microcontroller (9) determines whether the deactivation switch has been operated or not, and the module (8) processes and analyzes the signal of Hall sensor (2). There is no disclosure to show that a switch position is verifiable by the module (8). In the specification, page 4, lines 18-22, module (8) is described as performing the same procedure as the microcontroller (9), however, there is no disclosure showing how a switch position is verifiable by the module (8).

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

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(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

Claims 11-13, and 17-20 are rejected under 35 U.S.C. 102 (b) as being anticipated by Ueda et al. (US 5513878A).

With respect to claim 11, the U.S. reference to Ueda et al. a protective device for a vehicle (Ueda et al., figure 2) comprising the following: a switch to deactivate the protective device via the squid (8) (Ueda et al., figure 2, switch 71 deactivates the squid 8), a processor (Ueda et al., figure 2, processor 2A), and wherein a switch position of the transistor (71) is verifiable by the processor (2A) (Ueda et al., figure 2; column 4, lines 28-35). When the processor (2A) fails, the processing circuit (4) produces the signal SB. The processor (2A) includes the diagnostic circuit (2c) for diagnosing the trigger operation of the triggering circuit which includes the switch (71). An alarm (12) is provided for indicating failure of the signal processing circuit (4) of the squid (8) (column 4, lines 4-12).

Ueda et al. does not disclose an additional module having at least one logic module, wherein a switch position is verifiable by the additional module.

With regard to claim 12, Ueda et al. further disclose that the logic module is a logic OR gate (6) (see Ueda et al., figure 2, logic OR gate 6).

With regard to claim 13, Ueda et al. further disclose that the logic module (logic OR gate) is configured so that a time response of a logic state of the logic module (logic OR gate) is modifiable (Ueda et al., figure 2, logic OR gate is arranged to receive input from processor 2).

With regard to claim 17, Ueda et al. further disclose a control unit to power the switch (Ueda et al., figure 2, processing unit 4)

With regard to claim 18, Ueda et al. further disclose that the switch is powered from an external supply (Ueda et al, figure 2, switch powered from power supply 11).

With regard to claim 19, Ueda et al. further disclose that the logic state (high or low level) is allowed to be retained (Ueda et al., column 4, lines 47-55).

With regard to claim 20, Ueda et al. further disclose a triggering circuit control (Ueda et al., figure 2, squid 8), and an AND gate (7) connectible to the triggering circuit control (squid 8), wherein the module (logic OR gate) and the processor (2A) are connected to the AND gate (7) (Ueda et al., figure 2, AND gate 7).

While patent drawings are not drawn to scale, relationships clearly shown in the drawings of a reference patent cannot be disregarded in determining the patentability of claims. See In re Mraz, 59 CCPA 866, 455 F.2d 1069, 173 USPQ 25 (1972).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(f) or (g) prior art under 35 U.S.C. 103(a).

Claims 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ueda et al. (US 5513878A) and in view of Baumgartner et al. (US 20040045760A1).

As set forth in this office action, Ueda et al. address the limitations as recited in claim 13, however, the processor disclosed in Ueda et al. does not modifies the time response.

The reference to Baumgartner et al. has been provided to overcome the missing features from Ueda et al. (Baumgartner et al., page 1, paragraph 0016, lines 1-9).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the system of Ueda et al. to include the teachings as taught by Baumgartner et al. in order to properly and effectively deploy a safety restraint while the vehicle is in a serious rollover or a positive impact.

Claims 15 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ueda et al. (US 5513878A) and in view of Meister et al. (US 5570903A).

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With respect to claim 15, Ueda et al. discloses a switch, however, Ueda et al. do not disclose that the switch includes a resistor network and that the switch includes at least one Hall-effect sensor.

The reference to Meister et al. has been provided as teaching a safety device for a vehicle, wherein the switch includes a resistor network and that the switch includes at least one Hall-effect sensor (Meister et al., column 3, lines 61-67).

Hence, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the system of Ueda et al. to include the teachings as taught by Meister et al. in order to gain advantage therefore (i.e., prevent the passenger airbag is deployed when the passenger seat is unoccupied, also the airbag is controlled to be deactivated when the occupant seat is a rear facing-infant seat).

Response to Arguments

The previous final rejection has been withdrawn. This application is now considered to reopen.

Conclusions

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tuan C To whose telephone number is (571) 272-6985. The examiner can normally be reached on from 8:00AM to 5:00PM.

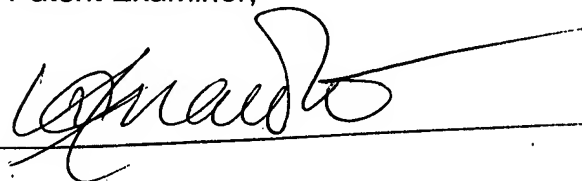
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jack Keith can be reached on 571-272-6878.

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The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Patent Examiner,

A handwritten signature in black ink, appearing to read 'Tuan C To', is written over a horizontal line.

Tuan C To

October 29, 2007